

HEATHER E. WILLIAMS, Bar #122664
Federal Defender
HANNAH R. LABAREE, #294338
Assistant Federal Defender
Designated Counsel for Service
801 I Street, 3rd Floor
Sacramento, CA 95814
(916) 498-5700 Fax (916) 498-5710

Attorney for Defendant
JUAN CARLOS MARTINEZ CASTRO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:19-cr-233 DAD-1
Plaintiff,)
vs.) REQUEST FOR RULE 43 WAIVER OF
JUAN CARLOS MARTINEZ) APPEARANCE ORDER
CASTRO, ET AL,)
Defendant.)

Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, defendant, JUAN CARLOS MARTINEZ CASTRO, hereby waives the right to be present in person in open court upon the hearing of any motion or other proceeding in this case, including, but not limited to, when the case is set for trial, when a continuance is ordered, and when any other action is taken by the court before or after trial, specifically, appearances for any hearing regarding imposition of judgment and sentencing or modification of conditions of supervised release.

Defendant hereby requests the Court to proceed during every absence which the Court may permit to this waiver; agrees that defendant's interests will be deemed represented at all times by the presence of the defendant's attorney, the same as if the defendant were personally present; and further agrees to be present in court ready for trial any day and hour the Court may fix the defendant's absence.

The defendant further acknowledges being informed of the rights under Title 18 U.S.C. §§ 3161-3174 (Speedy Trial Act), and authorizes the defendant's attorney to set times and dates under that Act without the defendant's personal presence.

The original signed copy of this waiver is being preserved by the attorney undersigned.

Dated: May 26, 2023

/s/ Juan Carlos Martinez Castro
JUAN CARLOS MARTINEZ CASTRO

Dated: May 26, 2023

/s/ Hannah Labaree
HANNAH R. LABAREE
Assistant Federal Defender
Attorney for Defendant

ORDER

The court is reluctantly signing this order and is doing so only because defense counsel may have already advised her client before the holiday weekend that his upcoming appearance was not necessary. One of the reasons the court declined to approve of the parties' latest stipulations for a further continuance of the hearing was that defendant Martinez Castro has not appeared before a judicial officer in this case for over three months when it was scheduled for a change of plea hearing. Therefore, defendant's appearance is waived for purposes of the May 30, 2023 status conference hearing only.

IT IS SO ORDERED.

Dated: **May 26, 2023**

Dale A. Droyd
UNITED STATES DISTRICT JUDGE